

Application No. 10/675,459 - - - - 11

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Remarks

Claims 1, 10, 23, 32, 45 and 54 are under consideration. These claims are directed to a biopsy device suitable for collection of tissue samples and include: (a) an introducer assembly, (b) a cutter assembly received within the introducer assembly and extendable axially through the introducer assembly, and (c) an endoscope assembly within the cutter tube that can extend axially through the cutter tube.

Claims 2-9, 11-22, 24-31, 33-44, 46-53 and 55-66 are withdrawn from consideration at this time.

The specification is amended at page 2 to provide generic terminology after "Mammotome®" on line 21.

The rejection of claims 1, 10, 23, 32, 45 and 54 under 35 U.S.C. 102(b) as anticipated by Corvi et al. is not warranted, and is hereby traversed. Item 12 is not an introducer but a catheter body that carries a cutting mechanism 18 at its distal end (Page 3, ¶ [0030]). Figure 15 of Corvi et al. does not show an endoscope assembly that can axially extend through a cutter assembly as presently claimed. In Corvi et al., material imaging device 264 is fixed on the inner cutter along with needle 260, and cannot extend through outer cutter 202. See, for example, the description of Figure 15 at page 5, ¶ [0049]. Thus the applied reference fails to show the claimed device that includes an endoscope assembly, even if, *arguendo*, the referred to optical fibers are deemed to be an endoscope. Applicant respectfully submits that, if Item 264 is deemed to be the referred to optical fibers, an endoscope assembly is not shown by Corvi et al.

As can be readily seen from Figure 1, there is no introducer assembly in the Corvi et al. device. Atraumatic tip 24 is attached to the outer cutter 20 (Page 3, ¶ [0030])

Besides, the presence of the material capture device with the reciprocable inner cutter 200 (see Figures 9-14, for example) precludes any extension of the shown "inner

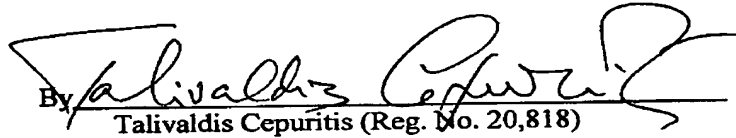
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cutter assembly" axially beyond the distal end of the tube that carries outer cutter 202 if the outer cutter is deemed to be an introducer assembly.

The conclusion here is inescapable that Corvi et al. does not anticipate the presently claimed invention. Early passing of this application to issue is solicited.

Respectfully submitted,

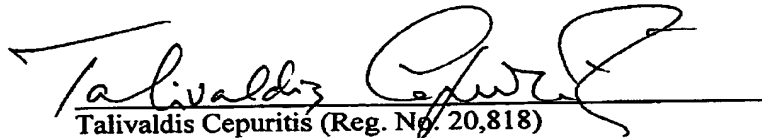
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By   
Talivaldis Cepuritis (Reg. No. 20,818)

OLSON & HIERL, LTD.  
20 North Wacker Drive  
36th Floor  
Chicago, Illinois 60606  
(312) 580-1180

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Talivaldis Cepuritis (Reg. No. 20,818)